

# Protected Structures



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## Protected Structures

### Why protect our architectural heritage?

Our architectural heritage is a unique and irreplaceable resource. Structures and places that have acquired historical and cultural interest over time form a cultural inheritance to a changing world. One of their parts:

have been identified as historic;

and those that have retained the process of being, and the characteristics of their uses;

have architectural, archaeological and scientific value.

If we enjoy the fruits of this inheritance, we have a duty to ensure that it is maintained, sympathetically restored, and preserved in our common culture for all time.

The wider heritage agenda is not only of great value in research, but also the way it adds to our sense of the past. The central challenge faced by custodians of the heritage is to find appropriate ways to provide an authentic, engaging experience of a structure in the way, safe and durable to the community, and taking its character and form of special interest as the other.



### What is a protected structure?

A protected structure is a structure that a planning authority considers to be of special interest as an architectural, historical, archaeological, artistic, cultural, scientific, scenic or historical point of interest. Every planning authority is obliged to issue a list of Protected Structures (PPS) that includes structures of special interest in its functional area and to review them. Structures on protected structures are entered. The PPS forms part of the Development Plan.

The legislation to introduce the concept of protected structures was the Local Government (Planning and Development) Act, 1999, replacing the previous system for protecting architectural structures by listing them in development plans. All the Local Government (Planning and Development) Acts have since 1999 been fully incorporated in the Planning and Development Act 2000. Part 19 of 2000 set out the role of architectural heritage and incorporated the provisions of the Local Government (Planning and Development) Act, 1999.



### How does a building become a protected structure?

An object above ground that is of special interest that is architectural, historical, archaeological, artistic, cultural, scientific, scenic, or historical point of interest is proposed for inclusion in the PPS. Anyone can nominate a building for protection, but the

Authority must structure in the PPS can only be made by the elected members of the planning authority. The planning authority must notify the owner and occupier of the proposed protected structure, the Minister for the Environment and Local Government, and other bodies of the proposal. Particulars of entries to be proposed to public for at least 28 days, during which time anyone, including the owner or occupier, is entitled to make comments on such a proposal to the planning authority. The authority is obliged to take these comments into consideration before its elected members decide whether or not to recommend a listing period. Whether or not the structure should be entered into the PPS. Within two weeks of the decision, the planning authority must notify the owner and occupier of the structure of that decision.

While a structure is a proposed protected structure it has the same protection as a protected structure with regard to the duties and responsibilities of the owner and occupier.

### What obligations fall on owners and occupiers to ensure the preservation of protected structures?

Both owner and occupier must ensure that neither a protected structure, nor any contents of a protected structure that contribute to its special interest is endangered through fire, flood, decay or damage, whether due to a lack of being properly looked after, through direct or indirect means. This duty is the same for the owner and occupier of proposed protected structures. In general, if a structure is threatened in a historical, scientific, and artistic, archaeological, artistic or scenic, planning can require, upon an applicant showing it is in the best interests of the public, to ensure that the structure is preserved.

The provisions apply to all parts of the structure that contribute to its historical and special interest, including the interior, surrounding land of historical, archaeological, scientific or artistic, the contents, and all fixtures and fittings of these structures.



## Do special procedures apply to protected structures under the planning system?

### How does an owner or occupier know which works require planning permission?

Protected structures come with their own development or alteration. However it also requires the owner or occupier to consult with the planning authority either through an application for consent, the planning application process, or through a declaration. It means that elements that make the structure significant are not lost during development.

If works are proposed to a protected structure a planning application is made to the local authority. However there are some additional requirements. Because it is necessary for an applicant to show how a proposed development would affect the character of the structure, the application may need to be more detailed than an ordinary application and include site drawings, photographs and other material to explain the proposal. Planning authorities will often have written advice lists available at the planning offices, listing the additional documentation required when submitting a planning application for a protected structure. These sheets will give local planning authority to see if they have built a table.

Some works that are normally considered exempt development may require planning permission in a protected structure if those works would affect the character of the structure in any element of the structure that contributes to its special interest. An owner or occupier of a protected structure may ask the planning authority for a declaration indicating the types of works that could be carried out without necessarily affecting the character of the structure. These works would not require planning permission. However, individuals who carried out an accordance with the Department of the Environment Conservation Guidelines would not be deemed to adversely affect the character of the structure, and would not require planning permission.

A planning authority will, in general, issue such a declaration within three months of receiving a request. There is no fee for this service.



### Are there any measures in place to assist owners and occupiers to preserve a protected structure?

The Planning authorities operate a conservation grant scheme to assist the owner or occupier of a protected structure to undertake necessary works to assist its building fabric. Such planning authority will take a number of measures to assist them in assessing applications.

The standard grant is 10% of the approved cost of works up to a maximum of 10% 1000. A planning authority may also provide a maximum of 10% of the approved cost of works up to 10% 1000.

Full details of the conservation grant scheme are available from your planning authority.



